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NOTE ON PLATO *CRITO* 49 E-50 A, καὶ ἐμμένονεν οἷς ὁμολογήσαμεν
δικαίοις οὖσιν ἢ οὐ;

Jowett, Stallbaum, Adam, Kühner-Gerth 484.18, and Goodwin (*G. M. T.* 687) take this to mean, "Do we abide by what we acknowledged to be just?" That is an imposing array of authorities. Yet I venture to doubt whether any good parallel can be found for the construction, and I am confident that the context here requires a different rendering. Socrates is arguing from the principle of Attic law that agreements not made under duress or procured by fraud (or contrary to law) must be kept. ἂ ἄν τις ὁμολογήσῃ τι, δίκαια ὄντα, ποιητέον 49 E. Hence with affected legal precision he repeats the proviso δίκαια ὄντα by δικαίοις οὖσιν. That this is the meaning appears from the whole course of the argument in 51 DE and from the express mention in 52 DE of duress and fraud as invalidating conditions. ξυνθήκας τὰς πρὸς ἡμᾶς αὐτοὺς καὶ ὁμολογίας παραβαίνεις, οὐχ ὑπ' ἀνάγκης ὁμολογήσας οὐδὲ ἀπατηθεὶς, etc. This and the entire argument would be pointless if the ὁμολογία was merely a logical admission and not rather a voluntary and fairly obtained virtual promise.

Plato elsewhere alludes to the legal principle in question. Cf. *Symposium* 196 C, ἂ δ' ἂν ἐκὼν ἐκόντι ὁμολογήσῃ, φασὶν οἱ πόλεως βασιλῆς νόμοι δίκαια εἶναι. In *Laws* 920 D he grants a δίκη ἀτελοῦς ὁμολογίας for nonfulfilment of an agreement πλὴν ὣν ἂν νόμοι ἀπείργωσιν . . . ἢ τινος ὑπὸ ἀδίκου ἀνάγκης ὁμολογήσῃ etc. Demosthenes alludes to the general principle in 56. 2; 47. 77. Hypereides against Athenogenes 13 agrees with Plato in holding that fraud, etc., invalidates. ὅσα ἂν ἕτερος ἐτέρῳ ὁμολογήσῃ κύρια εἶναι—τά γε δίκαια, ὧ βέλτιστε· τὰ δὲ μὴ τοῖναντίον ἀπαγορεύει μὴ κύρια εἶναι. Here the caveat τά γε δίκαια exactly corresponds to Plato's reservation δίκαια ὄντα, or δικαίοις οὖσιν. Beauchet, *Histoire du droit privé des Athéniens*, Vol. IV, pp. 28-46, holds that fraud did not invalidate except in cases provided for by special enactment. But this does not affect Plato's opinion or the interpretation of the *Crito* passage.

With regard to the syntax I do not care to dogmatize. But I have found no case of similar participial construction with ὁμολογεῖν in the meaning "acknowledge," and neither Goodwin nor Kühner quotes one; Kühner's ὁμολογουμένη οὔσα δούλη (Isaeus 6. 40), being nominative and passive, is not parallel. And in such cases as *Sophist* 246 E, τοῦτο δὲ οὐ σῶμα ξυμψυχον ὁμολογοῦσιν, or *Rep.* 610 C, ἀθανάτους τὰς ψυχὰς ὁμολογεῖν, we naturally "understand" the infinitive. The participial construction was perhaps avoided because of its ambiguity, the infinitive using the distinction of future and present to keep the two meanings of ὁμολογεῖν

apart where needful. For the rest, I now observe that Whewell, Schleiermacher, and Nüsslin give substantially the rendering for which I contend, and Fischer without comment punctuates, *δικαία ὄντα*, which implies it.

PAUL SHOREY

AGER

College freshmen usually translate *ager* by "field;" and this rendering, the only one given in various good and recent elementary Latin books, is admitted as an alternative by vocabularies and dictionaries. Now, the usual modern sense of "field" is given by the *Century Dictionary* (with which the *Oxford* agrees in substance) as follows: "a piece of cleared or cultivated ground, or of land suitable for pasture or tillage; specifically, any part of a farm inclosed or set apart from the rest as for a special use, except a garden, a wood lot, or an orchard, and the appurtenances of the buildings." But of *ager* employed in this specific sense of "field," the sense which our boys normally attach to this English word, I know no instance. In agricultural writers, besides its general signification of "land" and the familiar specific sense of "territory," it denotes "a farm" and interchanges with *fundus*, which seems to have been the legal term, and is preferred by Cicero when he is arguing a question of property, as in the speech for Caecina. "Farm" is given as one meaning of *ager* in Bailey's Forcellini, but not by Lewis and Short, who cite only Cic. *Att.* iii.15 for the correct "estate," wrongly adding "villa." No doubt, the plural *agri* may occasionally be translated by "fields"—e. g., Caes. *B. G.* i.16.2, *frumenta in agris matura non erant*; but this is to use "fields" in the obsolete, or obsolescent, sense of "land" as opposed to buildings, "country" as opposed to town; the standing corn is contrasted with that in the granaries. The dictionaries regularly render *agellus* by "little field;" what would they do with Horace's *agellus*, *Ep.* i.14.1, which is the same as the *ager* of i.6.4, and that again as the *fundus* of i.6.1? That *ager* and *agellus* never="field" I will not affirm; the *Thesaurus* makes assurance possible for whoever will work through its citations. But the words certainly do not have this sense in ordinary classical Latin; yet the effect of tradition is such that one editor of a Latin author gives only this rendering in his vocabulary, though there is no passage in his text where it would be admissible.

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